

103D CONGRESS
1ST SESSION

S. 79

To restore public confidence in the performance and merits of elected officials
and Federal employees.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. DECONCINI introduced the following bill; which was read twice and
referred to the Committee on Governmental Affairs

A BILL

To restore public confidence in the performance and merits
of elected officials and Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Responsible Govern-
5 ment Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the consent and participation of citizens in
9 their government is a fundamental principle of our
10 Constitution;

1 (2) it is critical to the survival and advance-
2 ment of our constitutional form of government and
3 to the welfare of our Nation that the citizens of this
4 country be convinced that their government is one of
5 the people, by the people and for the people;

6 (3) ensuring responsible public service requires
7 that no individuals be permitted to use an elected of-
8 fice or public employment for personal gain or for
9 the advancement of the interests of a foreign govern-
10 ments, foreign corporations, and special interests;

11 (4) to ensure public confidence, government
12 should, within the bounds of the constitutional re-
13 quirements of separation of powers, establish proper
14 bounds of conduct and accountability for all govern-
15 ment officials, whether elected or employed;

16 (5) the creation of a code of ethics and conduct
17 which is uniform and harmonized for all legislative
18 and executive branch officials and personnel will en-
19 hance public confidence in their government.

20 **SEC. 3. PURPOSES.**

21 The purposes of this Act are as follows:

22 (1) To ensure the integrity of the Federal Gov-
23 ernment and its officials and employees and to re-
24 store public confidence in the performance and mer-
25 its of the elected officials, any person who has served

1 as President, Vice President, Chief of Staff, or sen-
2 ior adviser on the staff of the White House, the head
3 of an executive department or of an independent
4 agency within the executive branch with regulatory
5 or rulemaking responsibilities, a top political ap-
6 pointee, the Chairman of the Federal Reserve
7 Board, Trade Representative or Chief International
8 Trade Negotiator, or otherwise been substantially in-
9 volved in international trade negotiations, or has
10 been elected or appointed to serve as a Senator or
11 Representative or a Delegate to either House of
12 Congress will be prohibited from representing for
13 pay any foreign government or any corporation or
14 company which is not registered, incorporated, or
15 certified for its legal status according to United
16 States law.

17 (2) To eliminate a perception that individuals
18 enter or engage in public service for future private
19 gain, any person who has served in any capacity in
20 the executive or legislative branches or any position
21 in any of the military services will be prohibited
22 from accepting employment to represent the inter-
23 ests of any foreign government or foreign registered
24 or based company or corporation from lobbying the
25 United States Government in any capacity including

1 that of attorney at law or in fact for at least 2 years
2 immediately after leaving the Federal Government.

3 (3) To eliminate a perception that special inter-
4 est groups or potential employers or political bene-
5 factors have undue influence within the executive or
6 legislative branch operations, any person who has
7 been employed in either branch of government will
8 be prohibited from contacting, lobbying, or rep-
9 resenting any interest except his own before the ex-
10 ecutive agency in which that person served or before
11 the office, committee, or agency of Congress in
12 which such person served if the person served as an
13 official or employee of the legislative branch for a
14 period of five years.

15 (4) To ensure that there is appropriate public
16 information concerning any potential conflicts of in-
17 terests and to protect persons in public life from
18 rumor and unfair accusations, require all senior level
19 executive and legislative officials and employees will
20 be required to file financial disclosure forms which
21 will be a matter of public record.

22 **SEC. 4. FOREIGN AGENTS REGISTRATION ACT OF 1938.**

23 (a) IN GENERAL.—Section 1(c)(1) of the Foreign
24 Agents Registration Act of 1938 (22 U.S.C. 611(c)(1))
25 is amended by—

1 (1) striking “or” after the semicolon in clause
2 (iii);

3 (2) striking “and” after the semicolon in clause
4 (iv) and inserting “or”; and

5 (3) adding after clause (iv) the following:

6 “(v) within the United States makes oral
7 or written contact with a legislative or executive
8 branch official which is directed toward formu-
9 lation, modification, or adoption of Federal leg-
10 islation, including—

11 “(I) legislative proposals or the ap-
12 proval or disapproval of international trea-
13 ties or agreements;

14 “(II) formulation, modification, or
15 adoption of a Federal rule, regulation, ad-
16 ministrative or Executive order, or any
17 program, policy, or official position of any
18 agency, bureau, or office of the United
19 States Government except in the case of
20 written comments filed in a public docket
21 and other communications that are made
22 on the record in a public proceeding or are
23 filed of record or made in the course of a
24 hearing before a judicial officer in a judi-
25 cial or administrative proceeding; and

1 “(III) the administration, execution,
2 or enforcement of any Federal program or
3 policy (including the negotiation, award, or
4 administration of a Federal contract,
5 grant, loan, permit or license),

6 except for oral or written contact made—

7 “(aa) by representatives of a
8 media organization who are primarily
9 engaged in gathering and disseminat-
10 ing news and information to the pub-
11 lic;

12 “(bb) in a speech, article, or
13 other publication or through the
14 media;

15 “(cc) in the course of actual rep-
16 resentation of a client in pending ad-
17 ministrative or legal proceedings be-
18 fore an executive hearing official or
19 judicial officer or judge;

20 “(dd) in testimony given before a
21 committee, subcommittee, or office of
22 Congress or submitted for inclusion in
23 the public record of a hearing con-
24 ducted by such committee, sub-
25 committee, or office or given in an ad-

1 ministrative hearing or judicial pro-
 2 ceeding; or

3 “(ee) to agency officials with re-
 4 gard to judicial proceedings, criminal
 5 or civil enforcement inquiries, inves-
 6 tigations, or proceedings or filings re-
 7 quired by statute or regulations; and”.

8 (b) JUDICIAL PROCEEDINGS.—Section 3(g) of such
 9 Act (22 U.S.C. 613(g)) is amended by inserting after
 10 “principal” the following: “in any existing proceeding or
 11 criminal or civil law enforcement inquiry or investigation”.

12 **SEC. 5. RESTRICTIONS ON REPRESENTING FOREIGN PRIN-**
 13 **CIPALS.**

14 (a) PERMANENT RESTRICTIONS.—Section 207(f) of
 15 title 18, United States Code, is amended by striking para-
 16 graph (2) and inserting the following:

17 “(2) PERMANENT RESTRICTIONS.—(A) Any
 18 person who is an officer or employee described in
 19 subparagraph (B) and who, after his or her service
 20 or employment with the United States terminates,
 21 knowingly—

22 “(i) represents a foreign principal before
 23 any officer or employee of the United States
 24 with the intent to influence a decision of such

1 officer or employee in carrying out his or her
2 official duties, or

3 “(ii) aids or advises a foreign principal
4 with the intent to influence a decision of any of-
5 ficer or employee of the United States in carry-
6 ing out his or her official duties,

7 shall be punished as provided in section 216 of this
8 title.

9 “(B) The officers and employees subject to the
10 restrictions set forth in subparagraph (A) are—

11 “(i) the President;

12 “(ii) any person who is subject to the re-
13 strictions contained in subsection (c) or (d);
14 and

15 “(iii) any officer or employee of the execu-
16 tive or legislative branch—

17 “(I) who personally and substantially
18 participates in any trade negotiation or
19 treaty negotiation (as such terms are de-
20 fined in subsection (b)(2)) on behalf of the
21 United States, or

22 “(II) who has access to information
23 which concerns such a trade negotiation or
24 treaty negotiation, which is exempt from
25 disclosure, as designated by the appro-

1 prios department or agency, under section
 2 552 of title 5, and which such officer or
 3 employee knew or should have known was
 4 so designated; and
 5 “(iv) a Member of Congress.

6 “(3) DEFINITIONS.—For purposes of this sub-
 7 section—

8 “(A) the term ‘foreign entity’ means the
 9 government of a foreign country as defined in
 10 section 1(e) of the Foreign Agents Registration
 11 Act of 1938 or a foreign political party as de-
 12 fined in section 1(f) of that Act; and

13 “(B) the term ‘foreign principal’ has the
 14 meaning given that term in section 1(b) of the
 15 Foreign Agents Registration Act of 1938.”.

16 (b) TWO-YEAR RESTRICTION.—Section 207(f) of title
 17 18, United States Code, is amended by striking paragraph
 18 (1) and inserting the following:

19 “(1) TWO-YEAR RESTRICTION.—Any person
 20 who is an officer or employee (including any special
 21 Government employee) of the executive branch of the
 22 United States (including any independent agency),
 23 of the District of Columbia, or a Member, officer, or
 24 employee of the Congress and who knowingly, within

1 2 years after leaving his or her position, office, or
2 employment—

3 “(A) represents a foreign entity before any
4 officer or employee of any department or agen-
5 cy of the United States with the intent to influ-
6 ence a decision of such officer or employee in
7 carrying out his or her official duties; or

8 “(B) aids or advises a foreign entity with
9 the intent to influence a decision of any officer
10 or employee of any department or agency of the
11 United States, in carrying out his or her official
12 duties,

13 shall be punished as provided in section 216 of this
14 title.”.

15 (c) EFFECTIVE DATE.—The restrictions contained in
16 section 207(f) of title 18, United States Code, as added
17 by subsections (a) and (b) of this section—

18 (1) shall apply only to persons whose service as
19 officers or employees of the Government, or as Mem-
20 bers of Congress, described in subsections (a) and
21 (b) terminates on or after the date of the enactment
22 of this Act; and

23 (2) in the case of officers, employees, and Mem-
24 bers of Congress described in section
25 207(f)(2)(B)(ii) of title 18, United States Code (as

1 added by subsection (a)), shall apply only with re-
2 spect to participation in trade negotiations or treaty
3 negotiations, and with respect to access to informa-
4 tion, occurring on or after such date of enactment.

5 **SEC. 6. FIVE-YEAR BAN ON ANY LOBBYING.**

6 Section 207 of title 18, United States Code, is
7 amended—

8 (1) in subsection (a)(2) by—

9 (A) striking “TWO-YEAR” in the caption
10 and inserting “FIVE-YEAR”; and

11 (B) striking “2 years” and inserting “5
12 years”;

13 (2) in subsection (b)(1) by—

14 (A) striking “ONE-YEAR” in the caption
15 and inserting “FIVE-YEAR”;

16 (B) striking “1-year” and inserting “5-
17 year”;

18 (C) striking “1 year” and inserting “5
19 years”;

20 (3) in subsection (c)—

21 (A) by striking “ONE-YEAR” in the cap-
22 tion and inserting “FIVE-YEAR”; and

23 (B) in paragraph (1) by striking “one year
24 after” and inserting “five years after”;

1 (4) in subsection (d)(1) by striking “1 year”
2 and inserting “5 years”; and

3 (5) in subsection (e) by striking “1 year after”
4 each place it appears and inserting “5 years after”.

5 **SEC. 7. BROADEN COVERAGE OF DISCLOSURE REQUIRE-**
6 **MENTS.**

7 (a) EXECUTIVE BRANCH.—Section 101(f)(3) of the
8 Ethics in Government Act of 1978 is amended by—

9 (1) striking “above GS-15” and inserting “at or
10 above GS-14”; and

11 (2) striking “120 percent of the minimum rate
12 of basic pay payable for GS-15” and inserting “the
13 minimum rate of basic pay payable for GS-14”.

14 (b) MILITARY—Section 101(f)(3) of the Ethics in
15 Government Act of 1978 (5 U.S.C. App. 6) is amended
16 by inserting before “; and” the following: “any commis-
17 sioned officer in the Armed Forces who is serving on the
18 staff of a general or flag officer”.

19 (c) LEGISLATIVE BRANCH.—Section 109(13) of the
20 Ethics in Government Act of 1978 (5 U.S.C. App. 6) is
21 amended—

22 (1) in subparagraph (B)(i) by striking “GS-
23 16” and inserting “GS-14”; and

24 (2) by striking subparagraph (B)(ii) and insert-
25 ing the following:

“(ii) each majority and minority Chief of Staff, Legislative Director, Administrative Assistant, Chief Counsel, and Legal Counsel of a Member, committee, or subcommittee, and each majority and minority clerk of a committee, or any person serving in a substantially similar position.”.

SEC. 8. FORFEITURES OF ANNUITY OR RETIRED PAY.

Section 8312 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking “or” after the semicolon;

(B) in paragraph (2) by striking the period and inserting “; or”; and

(C) adding at the end of paragraph (2) the following:

“(3) was convicted before, on, or after the date of enactment of the Responsible Government Act of 1993, of an offense named by subsection (d) of this section, to the extent provided by that subsection.”;

(2) in subsection (a)—

(A) in subparagraph (A) by striking “and” after the semicolon;

1 (B) in subparagraph (B) by striking the
2 period and inserting “; and”; and

3 (C) by adding after subparagraph (B) the
4 following:

5 “(C) with respect to offenses named by
6 subsection (d), to the period after the date of
7 conviction or after the date of enactment of the
8 Responsible Government Act of 1993, whichever
9 is later.”; and

10 (3) by adding at the end thereof the following:

11 “(d)(1) Subsection (a) of this section applies to an
12 individual convicted before, on, or after the date of enact-
13 ment of the Responsible Government Act of 1993 of an
14 offense described in paragraph (2).

15 “(2) The offense referred to in paragraph (1) is a
16 criminal offense involving an individual subject to this sec-
17 tion who—

18 “(A) acts as a foreign agent—

19 “(i) without registering; or

20 “(ii) without filing a financial disclosure
21 form,

22 as required by Federal law; or

23 “(B) acts as a foreign agent and files a false
24 financial disclosure form in violation of Federal
25 law.”.

